



**STATE OF NEVADA**  
Department of Conservation & Natural Resources  
DIVISION OF ENVIRONMENTAL PROTECTION

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**PRESS RELEASE**

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**STATE DECISION ON POWER PLANT PERMIT UPHELD BY EPA**

CARSON CITY—The Environmental Appeals Board of the U.S. Environmental Protection Agency in a written decision released late Wednesday upheld a permit issued by the Nevada Division of Environmental Protection.

NDEP issued the permit to Newmont Nevada Energy Investment for the construction of the TS Power Plant near the town of Dunphy in Eureka County, Nev. The permit was challenged by the Association for Clean Energy and brought before the EAB. In an 82-page decision, the EAB upheld the State permit decision in its entirety and denied the petition for review on all counts.

In a written summary of the decision provided by EPA, the Board found that ACE failed to show that the State had committed reversible error in any respect. The EAB's decision represents final Agency action on the TS Power Plant permit.

"We're pleased with the Environmental Appeals Board decision to uphold the State's permitting process—a decision that clearly demonstrates NDEP has acted in the interest of Nevada's environment when issuing permits," NDEP Administrator Leo Drozdoff said. "NDEP takes public input very seriously and strives to resolve conflicts that arise from the permitting process. Our agency spent hundreds of hours defending this case because the interested party chose not to engage NDEP and the time spent detracted from other environmental needs."

NDEP had issued a Clean Air Act Prevention of Significant Deterioration "PSD" permit for the construction of a new 200-megawatt pulverized coal-fired electric power generating facility. Several aspects of the permit, including the use of Best Available Control Technology and particulate matter emission limits, were challenged and appealed to the EAB.

"The TS Power Plant project has some of the most stringent emissions limits in the country," Chief of the Bureau of Air Pollution Control Michael Elges said. "The permit requires the use of the best emissions control technology currently available. Nevada has some of the cleanest air in the lower 48 states and we're not about to permit a facility that would jeopardize our clean air."

For more information about the NDEP air pollution control permitting process, visit the NDEP Web site at [www.ndep.nv.gov/bapc](http://www.ndep.nv.gov/bapc).

The 82 page decision from EAB can be downloaded at [www.epa.gov/eab](http://www.epa.gov/eab) and click on recent decisions.

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